

GLORIA JUANITA OCTAVE  
ADMINISTRATRIX of  
the ESTATE OF LUTALO OCTAVE,

Defendants.

1. In Virginia, has a Plaintiff alleged a plausible gross negligence claim if the allegations support an inference that the defendant exercised any degree of care at some point in time, but also that the defendant completely neglected the plaintiff's safety at other times?
2. In Virginia, does a complaint fail to state a claim of gross negligence fail as a matter of law if the complaint also states that a defendant exercised any degree of care?

Respectfully filed,

**GLORIA JUANITA OCTAVE**  
***ADMINISTRATRIX* of**  
**the ESTATE OF LUTALO OCTAVE**

/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of February, 2017, I have electronically filed the foregoing using the CM/ECF system, which will then send notification of such filing (NEF) to the following:

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